

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Sophie Roark,)	
)	
Complainant,)	
)	<u>File No. EC-2023-0248</u>
vs)	
)	
Evergy Missouri West, Inc.,)	
Respondent)	

STAFF’S RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and tenders its Recommendation and Report of Staff.¹

On February 2, 2023, Sophie Roark filed a complaint with the Missouri Public Service Commission against Evergy Missouri West, Inc. (Evergy). The Commission directed the Commission Staff (Staff) to investigate the complaint and file a report no later than March 20, 2023. In compliance with that order, the Staff tenders this Recommendation.

Sophie Roark’s complaint alleges that Evergy overbilled her for the period of August 2013 through August 2019 by incorrectly classifying her single-family home as a multi-unit dwelling. She requested a credit in the amount of \$1,950.00 representing the overcharge for that time period. The Commission’s technical staff has conducted a full investigation. Its investigation, findings and recommendations are set out in its Staff Report.

Commission Rule 20 CSR 4240-13.025(1)(A) states:

In the event of an overcharge, an adjustment shall be made for the entire period that the overcharge can be shown to have existed not to exceed sixty (60)

¹ The Report of Staff, prepared by the technical staff, is filed contemporaneously with this Recommendation.

consecutive monthly billing periods, or twenty (20) consecutive quarterly billing periods, calculated from the date of discovery, inquiry, or actual notification of the utility, whichever comes first.

Evergy's Commission-approved tariff states:

In the event of an overcharge, an adjustment shall be made for the entire period that the overcharge can be shown to have existed not to exceed sixty (60) consecutive billing periods, calculated from the date of discovery, inquiry, or actual notification of Company, whichever was first.

Evergy's answer to the complaint states that Evergy has offered to reimburse Ms. Roark for sixty months. At this time, Staff has not received information that Ms. Roark has accepted or rejected the offer. Per the tariff, however, which has the force of law,² Ms. Roark has no right to reimbursement for more than sixty consecutive months; and Evergy has no duty nor authority to reimburse her for more than sixty consecutive months. The Commission has no power to require Evergy to reimburse Ms. Roark for more than sixty consecutive months. Hence, regardless of whether this case continues on or whether there is a hearing with a Commission's Report and Order, the Commission can give Ms. Roark no more monetary relief than Evergy has offered in its pleading. Accordingly, it is Staff's recommendation that the Commission issue an order declaring that it has no authority to order Evergy to reimburse Ms. Roark for more than Evergy has offered; and that it order Evergy to file a status report by a date which the Commission shall set. Staff also recommends that Evergy adopt the procedures set out in Staff's Report.

WHEREFORE, Staff respectfully requests that the Commission accept this Recommendation together with the Report of Staff as complying with its orders.

² *State ex rel. Missouri Gas Energy v. Public Service Com'n*, 210 S.W.3d 330, 337-338 (Mo. App. W.D. 2006).

Respectfully Submitted,

/s/ Paul T. Graham #30416

Senior Staff Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Mo 65102-0360
(573) 522-8459
Paul.graham@psc.mo.gov

Attorney for the Staff of the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

The undersigned by his signature below certifies that the foregoing pleading was served upon all persons who have entered an appearance of record in this matter on this March 20, 2023, by electronic filing in EFIS.

/s/ Paul T. Graham